

**SEP 24 2001**INCYTE GENOMICS
3160 PORTER DRIVE
PALO ALTO, CA 94304

#4

In re Application of	:	
Y Tom Tang	:	
U.S. Application No. 09/744,196	:	WITHDRAWAL OF THE
PCT No.: PCT/US99/16637	:	NOTIFICATION OF
Int. Filing Date: 21 July 1999	:	ABANDONMENT
Priority Date: 22 July 1998	:	And
Attorney Docket No. PF-0561 USN	:	NOTIFICATION OF MISSING
For: Molecules Associated with Cell Proliferation :	:	REQUIREMENTS

This decision is responsive to the communication filed in the PCT Legal Office on 28 February 2001, which is being treated as a petition under 37 CFR 1.181 to withdraw the holding of abandonment in the above-identified application. This decision also serves to notify applicant of their failure to comply with 35 U.S.C. 371(c)(4).

BACKGROUND

On 21 July 1999, applicants filed international application PCT/US99/16637, which claims a priority date of 22 July 1998. A Demand for international preliminary examination was filed 17 February 2000, within 19 months of the priority date. Accordingly, a thirty month time period for paying the basic national fee and providing a copy of the International Application, in accordance with 37 C.F.R. 1.495(b), was set. This period expired at midnight on 22 January 2001.

On 16 January 2001, applicants filed a TRANSMITTAL LETTER TO THE UNITED STATES DESIGNATED/ELECTED OFFICE CONCERNING A FILING UNDER 35 U.S.C. 371 accompanied by payment of the basic national fee. Therein, applicants stated that a copy of the International Application as filed was not required, as the application was filed in the United States Receiving Office (RO/US).

A NOTICE OF ABANDONMENT for failure to provide the U.S. Basic National Fee by 20 months was mailed on 15 February 2001.

In response, on 28 February 2001, applicants filed the instant "petition," maintaining that the application was not abandoned as a Demand for Chapter II was timely filed on 17

February 2000. Accordingly, applicants maintain that they had until 22 January 2001, 30 months from the priority date to fulfill the requirements of 35 U.S.C. 371, and that the basic national fee was timely filed on 16 January 2001. In support thereof, applicants submitted copies of: the Demand for Chapter II as filed on 17 February 2000, their return postcard receipt, and the "Express Mail" mailing label.

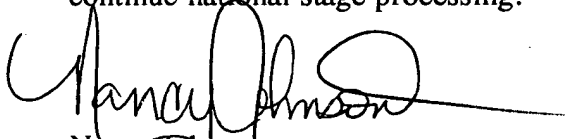
DISCUSSION

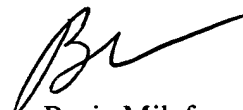
A review of Office records reveals that a Demand electing the United States was timely filed on 17 February 2000. Accordingly, a thirty month time period for paying the basic national fee and providing a copy of the International Application, in accordance with 37 C.F.R. 1.495(b), was set. This period expired at midnight on 22 January 2001. Thus, payment of the basic national fee on 16 January 2001 was timely.

CONCLUSION

For the above reasons, the petition under 37 C.F.R. §1.181 is **GRANTED**. The NOTIFICATION OF ABANDONMENT mailed 15 February 2001 is hereby **VACATED**.

This application is being forwarded to the United States Designated/Elected Office to continue national stage processing.


Nancy Johnson
Petitions Attorney
PCT Legal Office


Boris Milef
PCT Legal Examiner
PCT Legal Office

Telephone: (703) 305-0309

Facsimile: (703) 308-6459